

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**EVARISTUS MACKEY,**

**Plaintiff**

**v.**

**BUREAU OF PRISONS, *et al.*,**

**Defendants**

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**CIVIL NO. 3:CV-11-0373**

**(Judge Caputo)**

**O R D E R**

**AND NOW**, this 4th day of **SEPTEMBER, 2012**, in accordance with the accompanying Memorandum, it is **ORDERED** that:

1. Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment (Doc. 13) is GRANTED.
2. The Clerk of Court is directed to enter judgment in favor of Defendants Warden Bledsoe, Attorney L. Cunningham; and Bureau of Prisons Trate, Johnson and Potter; and against Plaintiff Evaristus Mackey.
3. The Clerk of Court is directed to close this case.
4. Any appeal from this order is deemed frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

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**/s/ A. Richard Caputo**

**A. RICHARD CAPUTO**  
**United States District Judge**